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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of

Group Art Unit: 3738

GEORGES BAIKOFF

Examiner: David Willse

Serial No.: 09/833,903

Examiner: David Wills

Filed: April 12, 2001

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For: SCLERAL EXPANSION SEGMENT

Mailed: May 14, 2003

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## TERMINAL DISCLAIMER

Commissioner for Patents Washington, D. C. 20231

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MAY 2 9 2003

Dear Sir:

**TECHNOLOGY CENTER R3700** 

Petitioner, OPTHALMIC INNOVATIONS INTERNATIONAL, INC., is the owner of one hundred percent interest in United States
Patent Application Serial No. 09/833,958.

The petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent Application Serial No. 09/833,958. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any

patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

SHELDON & MAK

Dated: May 14, 2003

Denton L. Anderson Reg. No. 30,153

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